

Notice of Allowability

Application No.

10/747,614

Applicant(s)

STOKES ET AL.

Examiner

Stephen R. Koziol

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/28/2008.
2. ☐ The allowed claim(s) is/are 1-5 and 7-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)✓
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance✓
9. ☐ Other _____

Allowable Subject Matter

1. Claims 1-5 and 7-31 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The present invention as claimed involves a method for controlling a gamut mapping algorithm parameter element comprising the steps of: receiving a user input to add or delete a gamut mapping algorithm parameter element; defining a modified gamut mapping algorithm parameter element responsive to said request; receiving a request to adjust the modified gamut mapping algorithm parameter element; and adjusting a color management operation for processing an input image in response to said request to adjust.

The prior art of record fails to anticipate or render obvious the limitations as highlighted above. The cited references, in particular the Adobe white paper, teach a user interface for adjusting a working space color gamut profile (e.g. tweaking conversion settings between RGB and CMKY color spaces for an image in a Photoshop-like environment). However, Photoshop (as taught by the cited Adobe white paper) does not allow a user to add or remove a gamut mapping algorithm parameter element as explicitly defined by paragraph 0043 of the present specification and claimed in independent claims 1, 14, 18, 27 and 29.

35 U.S.C. 101 Discussion

Furthermore, the Amendments to the claims filed 01/28/2008 overcome the previously outstanding 101 rejections. Specifically, claims 27 and 29 are statutory because of the change from "a computer readable medium having computer-executable instructions" to "a computer readable medium storing computer-executable instructions" (emphasis added). This nuanced revision was necessitated by a discussion of the 101 rejection in light of paragraph 0024 of the

present specification during the interview (01/25/2008). Paragraph 0024 shows “[b]y way of example, and not limitation, computer readable media may comprise computer storage media and communication media.” Such communication media are then explained: “[c]ommunication media typically embodies computer readable instructions, data structures, program modules or other data in a modulated data signal such as a carrier wave or other transport mechanism and includes any information delivery media. The term ‘modulated data signal’ means a signal that has one or more of its characteristics set or changed in such a manner as to encode information in the signal. By way of example, and not limitation, communication media includes wired media such as a wired network or direct-wired connection, and wireless media such as acoustic, RF, infrared and other wireless media” (emphasis added).

The previous version of the preamble (“a computer readable medium (CRM) having computer-executable instructions”) was non-statutory because the CRM, in light of par. 0024, comprised both the 1) computer storage media and 2) communication media aspects of the CRM as defined. The 2) communication media aspect of the CRM embodied the nonstatutory elements (e.g. carrier waves), and so rendered the entire CRM as a whole nonstatutory. However, by amending the preamble to “a computer readable medium storing computer-executable instructions” Applicant has limited the CRM to the 1) computer storage media aspect of the defined CRM and not the 2) communication media aspects. Thus, the amended preamble (01/28/2008), read in view of paragraph 0024 does not refer to communicating carrier waves and is statutory in view of 35 U.S.C. 101.

Provisional Obviousness Double Patenting Discussion

Application 11/203,739 filed 08/15/2005, and published as 2007/0035751 A1 on 02/15/2007, sharing the same assignee and one common inventor with the present application, was considered as a candidate for provisional nonstatutory obviousness double patenting rejection. Specifically, Claims 6, 14, and 19 of application 11/203,739 each recite a user interface for adjusting “at least one parameter of the gamut mapping model” and “modifying the at least one parameter of the gamut mapping model.” Compared to Claims 1, 14, 18, 27 and 29 of the present application which recite “receiving a request to add and/or delete a gamut mapping algorithm parameter element; and defining a modified gamut mapping algorithm parameter element responsive to said request; receiving a request to adjust the modified gamut mapping algorithm parameter element; and adjusting a color management operation for processing an input image in response to said request to adjust” (claim 1 of the present application), there appears to be considerable overlap.

However, while the aforementioned Claims appear to share the limitation of adjusting a parameter of the gamut mapping model, claims 6, 14, and 19 of application 11/203,739 lack the limitation of being able to add or delete such a parameter, which is found in Claims 1, 14, 18, 27 and 29 of the present application. Also, the phrase “gamut mapping algorithm parameter element” as used through the present application, is limited by an explicit definition as found in paragraph 0043 of the present specification, and absent in the 11/203,739 application. As such Claims 1, 14, 18, 27 and 29 of the present application contain additional limitations and are narrower in scope than claims 6, 14, and 19 of application 11/203,739. Hence, a provisional statutory double patenting rejection is not warranted. Furthermore, the specification of

application 11/203,739, particularly paragraphs 0039-0040, discusses adjusting a parameter of the gamut mapping model, but is silent on adding or deleting such a parameter. As the reasons for allowance *supra* indicate the limitation of adding or deleting such a parameter has not been anticipated nor rendered obvious by the prior art, so a provisional nonstatutory obviousness double patenting rejection cannot be justified either.

Conclusion

Examiner appreciates Applicant's willingness to discuss productive claim amendments in a manner which embodies the spirit of compact prosecution.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number:
10/747,614
Art Unit: 2624

Page 6

Contact

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Koziol whose telephone number is (571) 270-1844. The examiner can normally be reached on M - F 8:00-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached at (571) 272-7413 . Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-7332.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Stephen R Koziol/
Desk: (571) 270-1844
Facsimile: (571) 270-2844
Stephen.Koziol@uspto.gov



SAMIR AHMED
SUPERVISORY PATENT EXAMINER